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UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MATTHEW ISHAM, individually) Civil No. CV04-00559 ACK BMK
and as Guardian Ad Litem for) (In Admiralty)
HAYDEN ISHAM, a minor,)
ROXANNE BEST ISHAM,) DEPOSITION OF
MATTHEW ISHAM
Plaintiffs,) May 3, 2005
9:00 a.m.

vs.

BLUE DOLPHIN CHARTERS, LTD.)
and BLUE DOLPHIN DIVING, LTD.,)
CAPTAIN ANDY'S SAILING, INC.,)

Defendants.

DENNIS CLAYPOOL, SHERYL) Civil No. CV04-00570 ACK KSC
CLAYPOOL, individually and as)
Guardian Ad Litem for KRISTEN)
CLAYPOOL, a minor, SCOTT)
CLAYPOOL, and KRISTEN CLAYPOOL)

Plaintiffs,

vs.

CAPTAIN ANDY'S SAILING, INC.,)
BLUE DOLPHIN CHARTERS, LTD.)
and BLUE DOLPHIN DIVING, LTD.,)

Defendants.

CAPTAIN ANDY'S SAILING, INC.,)

Third-Party
Plaintiff,

vs.

MATTHEW ISHAM,

Third-Party
Defendant.

-continued-

1 Q. Did you ever take out three dive groups from one
2 vessel?

3 A. Not that I recall, no.

4 Q. Did you have a supervisor at Blue Dolphin?

5 A. Yes, sir.

6 Q. Who was that?

7 MR. LESSER: Objection to the form.

8 MS. BLACK: Objection. Vague and ambiguous.

9 A. Captain Chris Stowe would be the dive manager.
10 Dave Koltoff would be the boat operations manager. Terry
11 Donnelly, who would be the owner of the company. And any
12 time I'm on the boat, I'm supervised by the captain.

13 Q. Okay. Did Captain Chris Stowe, as the dive
14 manager, ever provide you any written or verbal
15 instructions regarding dives at Mokol'e Reef?

16 A. Could you specify that question or rephrase it?

17 Q. Sure. Did Captain Chris Stowe, as the dive
18 manager for Blue Dolphin, did he ever tell you there were
19 specific requirements for the dives at Mokol'e Reef?

20 A. Time limits.

21 Q. Other than time limits, can you think of anything
22 else that Captain Chris Stowe told you regarding the dives
23 at Mokol'e Reef?

24 A. Not that I can remember, no.

25 Q. At any time, did Chris Stowe tell you that you

1 Q. Do you recall whether or not you told the
2 students in advance of the dive that you would be taking a
3 dive flag with you?

4 A. I don't recall.

5 Q. Did you arrange for anyone on the vessel to pass
6 a dive flag to you in the water at some point during your
7 dive?

8 A. Not that I remember, no.

9 Q. To your knowledge, did Blue Dolphin have a policy
10 requiring dive instructors to use dive flags at Mokol'e
11 Reef?

12 A. Not to my knowledge.

13 MS. BLACK: Objection. Lacks personal knowledge.
14 Lacks foundation.

15 MR. HILLSMAN: I object. Vague and ambiguous on
16 the ground its doesn't distinguish between shipboard dive
17 flag and dive float.

18 BY MR. FORMBY:

19 Q. Let me clarify that.

20 To your knowledge, did Blue Dolphin have a policy
21 on July 20, 2004 that required you, as a dive instructor,
22 to take a dive flag on a float into the ocean with you at
23 Mokol'e Reef?

24 MS. BLACK: Same objection.

25 A. Not that I recall.

1 CERTIFICATE

2 STATE OF HAWAII)

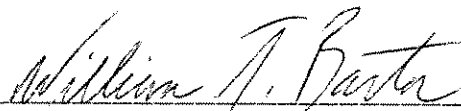
3) SS.

4 COUNTY OF HONOLULU)

5 I, WILLIAM T. BARTON, RPR, Certified Shorthand
6 Reporter, State of Hawaii, do hereby certify that on May 3,
7 2005 at 9:00 a.m. there appeared before me MATTHEW ISHAM,
8 the witness whose deposition is contained herein; and that
9 prior to being examined was duly sworn; that I am neither
10 counsel for any of the parties herein, nor interested in
11 any way in the outcome of this action;

12 That the deposition herein was by me taken down in
13 machine shorthand and thereafter reduced to print via
14 computer-aided transcription under my supervision; that the
15 foregoing represents a complete and accurate transcript of
16 the testimony of said witness to the best of my ability.

17 Dated this 12th day of May 2005 at Honolulu, Hawaii.

18
19 

20 WILLIAM T. BARTON, CSR No. 391

21 Notary Public, State of Hawaii

22 My Commission expires August 7, 2005
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